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20 September 2016

The Hon. Anastacia Palaszczuk,  
Premier of Queensland  
P.O. Box 15185  
City East  
QLD 4002

***Via email only: [thepremier@premiers.qld.gov.au](mailto:thepremier@premiers.qld.gov.au)***

Dear Premier Palaszczuk,

**RE: ALHR congratulates your Government on moves to increase the age of a child from 17 to 18 years under the *Youth Justice Act 1992 (Qld)***

Australian Lawyers for Human Rights (ALHR) would like to warmly congratulate your government on its decision to introduce legislation that will see 17-year-olds removed from the State's adult prisons within a year. We welcome the leadership shown by you and Attorney General Yvette D'Ath in committing to courageously confront this longstanding violation of Queensland children's rights and to change the law such that Queensland kids will no longer be exposed to inappropriate and damaging conditions in adult jails including sexual assault, violence and serious mental health issues.

We note that these changes represent a significant step in bringing Queensland into line with other Australian states and territories, none of whom treat 17-year-olds as adults in the criminal justice system. ALHR commends this action as a positive step in Queensland's compliance with the UN *Convention on the Rights of the Child (CRC)*.

We call on you to ensure that, as part of these changes, the Queensland Government also **immediately** stops trying 17-year-olds as adults.

ALHR notes that the Queensland Parliament have instituted an Inquiry with respect to the *Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016* and ALHR looks forward to lodging a formal submission to the Parliamentary Inquiry.

## Additional Positive Reforms Required for Youth Justice in Queensland

While the primary purpose of our letter is to congratulate you and your government on your commitment to remove children from adult jails within the next 12 months, ALHR also takes this opportunity to refer to our earlier correspondence [**enclosed**] and restate our call for further immediate steps that are required to protect the rights of children in Queensland's youth justice system:

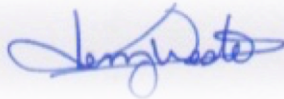
1. We urgently ask the Queensland Government to call on the Federal Government to ratify the *Optional Protocol to the Convention against Torture*.
2. We urgently ask the Queensland Government to continue to prioritise the passage of a Queensland Human Rights Act and call on the Federal Government to adopt a Federal Human Rights Act so that the human rights of all Australian citizens, including our youth, can be legally protected.
3. We call for the Queensland Government to continue to adopt practices that respect the principle that detention is a last resort for children and ensure that in all juvenile criminal matters alternatives to detention must be favoured.
4. Where detention is undertaken, we call for children to be detained in purpose-built age-appropriate facilities with non-prison like environments which are run by specialised staff trained in dealing with children.
5. We call for the immediate appointment of an Independent Custodial Inspector in Queensland with unfettered access to youth extension centers to ensure that national and international standards are being complied with (such as in NSW and WA).
6. We call for the immediate repeal of legislative provisions in Queensland which enable the use of chemical weapons (tear gas), solitary confinement, mechanical chairs, cable ties, weight belts, shackles and spit hoods on children in detention.
7. We call for higher standards of training and skills of personnel that work with juvenile detainees with a focus on rehabilitation of children as opposed to punitive measures.
8. We call for appropriately funded, evidence - based diversionary and education programs to be rolled out in Queensland which recognise the principle that detention is a last resort for children. Queensland programs should be providing a therapeutic environment that can help youth offenders on a path to rehabilitation and reintegration upon release back into society.
9. We call for the minimum age of criminal responsibility of juveniles to be increased to 12 years, not 10 years, in Queensland. A change that would reflect internationally recognised standards in juvenile justice.
10. We call on the Queensland Government to urgently address the current funding crisis in legal aid so as to ensure access to legal representation for youth offenders, particularly Queensland's Indigenous children.
11. We call on the Queensland Government to utilise justice reinvestment as a means of funding programs which address the underlying social issues responsible for the overrepresentation of Queensland's Indigenous children in the criminal justice system.

We thank you again for taking an important stand for Queensland kids' rights and we thank you for your consideration of our correspondence. We look forward to your response including an estimated timeframe for when this excellent reform will be enacted and all juveniles will be removed from adult prisons in Queensland.

Yours faithfully,



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### ***Australian Lawyers for Human Rights***

***ALHR was established in 1993 and is a national network of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.***